

## FOURTEENTH DAY.

(Friday, January 28, 1927.)

The House met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Bobbitt.

The roll was called, and the following members were present:

Acker.	Kirkland.
Albritton.	Land.
Alexander.	Lipscomb.
Anderson.	Loftin.
Avis.	Long.
Barnett.	Loy.
Barron.	Masterson.
Bass.	McGill.
Bateman.	Merritt.
Bird.	Minor.
Black.	Montgomery.
Boggs.	Moore.
Boon.	Morse.
Brown.	Moursund.
Conway.	Murphy.
Cornwell.	Nabors.
Cox.	Olsen.
Dale.	Parrish of Travis.
Daniel.	Pavlica.
Davis.	Pearce.
DeBerry.	Petsch.
Denman.	Poage.
Dielmann.	Pool.
Dunlap.	Pope.
Durham.	Porter.
Duvall.	Powell.
Enderby.	Purl.
Eickenroht.	Ramsey.
Farrar.	Rawlins.
Faulk.	Reagan.
Fly.	Renfro
Forbes.	of Angelina.
Fuchs.	Rogers of Hays.
Gates.	Rogers of Shelby.
Gibson.	Rowell.
Gilbert.	Runge.
Graves.	Sanders.
Gray.	Satterwhite.
Hagaman.	Shearer.
Hall.	Sheats.
Harding.	Shirley.
Harman.	Simmons.
Hefley.	Sinks.
High.	Smith of El Paso.
Holder.	Smith of Nueces.
Holland.	Smith of Smith.
Hornaday.	Smyth.
Jacks.	Snelgrove.
Johnson.	Stevenson.
Jones.	Storey.
Justice.	Stout.
Kayton.	Sutton.
Kemble.	Swain.
Kennedy.	Taylor.
Kincaid.	Teer.
King of Hopkins.	Van Zandt.
King of	Veatch.
Throckmorton.	Waddell.

Walker.	Whitaker.
Wallace	Williams
of Freestone.	of Sabine.
Wallace of Panola.	Williams
Wallace of Smith.	of Travis.
Ware.	Williamson.
Wassell.	Woodall.
Webb.	Woodruff.
Wells.	Young.

Absent—Excused.

Bonham.	Nicholson.
Branch.	Parish of Runnels.
Cummings.	Renfro of Mills.
Finlay.	Shaver.
Foster.	Smith
Kenyon.	of Atascosa.
Kinnear.	Stell.
Kirby.	Tillotson.
McCombs.	Turner.
McKean.	

A quorum was announced present.

Prayer was offered by Rev. E. P. West, pastor of the Baptist Temple of Houston.

## ADDRESS BY REV. E. P. WEST.

Rev. E. P. West, being introduced by Speaker Bobbitt, addressed the House.

## LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Kinnear for today, on motion of Mr. Reagan.

Mr. McCombs for today and tomorrow, on motion of Mr. Rawlins.

Mr. Foster for today, on motion of Mr. Kemble.

Mr. Renfro of Mills for today, on motion of Mr. Walker.

Mr. Parish of Runnels for today, on motion of Mr. Rogers.

The following members were granted leaves of absence on account of sickness:

Mr. Turner for today and tomorrow, on motion of Mr. Kennedy.

Mr. Tillotson for today, on motion of Mr. Shearer.

Mr. Cummings for today, on motion of Mr. Purl.

Mr. Stell for today and tomorrow, on motion of Mr. Webb.

Mr. Kirby for today, on motion of Mr. Holland.

Mr. Branch for today, on motion of Mr. Kirkland.

## HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read

severally first time, and referred to the appropriate committees, as follows:

By Mr. Rawlins:

H. B. No. 355, A bill to be entitled "An Act authorizing any city of more than 100,000 population to disannex for school purposes only, territory which is not within such city and has been annexed for school purposes, and prescribing the means and terms of such disannexation, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Masterson:

H. B. No. 356, A bill to be entitled "An Act to amend Article 1738, Chapter 3, Title 37, of the Revised Statutes of 1925 of the State of Texas."

Referred to Judiciary Committee.

By Mr. Petsch:

H. B. No. 357, A bill to be entitled "An Act making an emergency and supplemental appropriation out of the general revenues of this State for fuel, lights, ice and telephone and water for the Governor's Mansion and Grounds for the balance of the fiscal year ending August 31, 1927, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Stell:

H. B. No. 358, A bill to be entitled "An Act amending Article 689 of the Penal Code of the State of Texas."

Referred to Committee on Criminal Jurisprudence.

By Mr. Kemble, Mr. Williams of Travis, Mr. Daniel, Mr. Poage and Mr. Morse:

H. B. No. 359, A bill to be entitled "An Act repealing Article 7067 of the Revised Civil Statutes of Texas, 1925, imposing an occupation tax on any individual, company, corporation or association owning, operating or controlling any interurban, trolley, traction, or electric street railway in this State and charging for transportation of said railway, and providing for the payment of a franchise tax by such individual, company, corporation, or association, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Kemble, Mr. Morse and Mr. Foster:

H. B. No. 360, A bill to be entitled "An Act defining the term 'peddlers,'

and describing who shall be included in in that definition; providing for the levy of an occupation tax on peddlers plying their vocation; dividing said peddlers into different classes; requiring an application for permit to ply such vocation and the payment of an annual occupation tax, in advance, in each county in which such occupation is pursued, and requiring that such tax be paid before the authority to ply such vocation shall exist, and providing for punishment for the violation of any of the provisions of this act, and repealing all laws and parts of laws in conflict therewith."

Referred to Committee on Revenue and Taxation.

By Mr. Hornaday, Mr. Montgomery and Mr. Denman:

H. B. No. 361, A bill to be entitled "An Act to amend Article 798, Title 13, Penal Code, Revised Statutes, 1925, relating to the lights required to be displayed by motor vehicles under certain conditions on the public highways, and adding animal-drawn vehicles under similar conditions."

Referred to Committee on Highways and Motor Traffic.

By Mr. Dielmann, Mr. Kayton, Mr. Rawlins, Mr. Daniel, Mr. Poage, Mr. Kemble and Mr. Cox:

H. B. No. 362, A bill to be entitled "An Act to amend Article 1939 of Title 41, Chapter 2, of the Revised Civil Statutes of Texas of 1925, relating to the recording of the official discharges of each soldier, sailor, or other person in the service of the United States in the late World War, or in any other war in which the United States has been engaged; making it the duty of the county clerk to make such record; directing the payment of the county clerk out of county funds of a fee for said services, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Dielmann, Mr. Kayton, Mr. Rawlins, Mr. Daniel, Mr. Poage, Mr. Kemble and Mr. Cox:

H. B. No. 363, A bill to be entitled "An Act to amend Article 4591, Title 72, of the Revised Civil Statutes of Texas of 1925, declaring the thirtieth day of May of each year a legal holiday and designating May 30th as Memorial Day."

Referred to Committee on State Affairs.

By Mr. Smith of Smith and Mr. Wallace of Smith:

H. B. No. 364, A bill to be entitled "An Act to amend the first paragraph of Article 192 of Chapter 8, Title 7, of the Revised Civil Statutes of 1925."

Referred to Committee on Game and Fisheries.

By Mr. Bobbitt:

H. B. No. 365, A bill to be entitled "An Act to amend Article 4192 of the Revised Civil Statutes of 1925, providing for the making of oil and gas and other mineral leases by guardians of the estates of minors, and other persons, upon the real estate belonging to the estates of their wards, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Bobbitt:

H. B. No. 366, A bill to be entitled "An Act to validate the grants of land made by the Crown of Spain to Juan Antonio Vidaurri, his heirs and assigns, of Porciones 39 and 40, lying and being situated in Zapata county, Texas, and to authorize the Commissioner of the General Land Office to issue patents to Juan Antonio Vidaurri, his heirs and assigns, to said porciones, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Smith of Nueces (by request):

H. B. No. 367, A bill to be entitled "An Act to amend Chapter 1, Title 67, of the Revised Civil Statutes of the State of Texas, 1925, by adding thereto sections creating the State Board of Conservation with its several different divisions to be called: 1. Division of Commercial Fisheries. 2. Division of Fish Hatcheries. 3. Division of Wild Life. 4. Division of Accounts and Statistics. 5. Division of Law Enforcement. 6. Division of Biology; describing the duties of the board and superseding the office of Game, Fish and Oyster Commissioner; providing for the appointment of the board members and the superintendents of the different divisions, and providing for the appointment of a biologist and the salaries of the members of the board while on duty as such, and providing for the salaries of the superintendents of the division and biologist."

Referred to Committee on Game and Fisheries.

By Mr. Runge:

H. B. No. 368, A bill to be entitled "An Act to repeal Article 6899, Title

121, Chapter 1, of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Committee on Stock and Stock Raising.

By Mr. Anderson and Mr. Dielmann:

H. B. No. 369, A bill to be entitled "An Act to amend Article 2843 of Title 49, Chapter 16, of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Committee on Education.

By Mr. Purl:

H. B. No. 370, A bill to be entitled "An Act defining insurance agents for the purposes of this act; providing for the licensing of such agents; forbidding engaging in the business of insurance, as defined in this act, without a license; providing and prescribing who may be licensed; forbidding overinsurance; forbidding discrimination; forbidding rebating; giving authority to the Commissioner of Insurance to grant licenses, and to revoke licenses; authorizing the Commissioner to make or have made examinations, and to call for facts under oath; providing penalties for violation of this act; giving parties aggrieved resort to the courts, and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Purl:

H. B. No. 371, A bill to be entitled "An Act relative to white and negro communities in municipalities; to foster a separation of white and negro residence communities in the interest of peace, safety and welfare; fixing a penalty, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Holland:

H. B. No. 372, A bill to be entitled "An Act fixing in counties having a population in excess of 150,000 inhabitants, and in which there is no county attorney, the compensation of and providing for the appointment of assistant district attorneys investigators, stenographers and other employes, and providing for their salaries and the manner of their payment, and providing for the purchase, operation and maintenance of automobiles, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Avis:

H. B. No. 373, A bill to be entitled "An Act authorizing private corpora-

tions to be formed for any one or more of the following purposes: To accumulate and loan money; to sell and deal in notes, bonds and securities but without banking privileges; to act as trustee under any lawful express trust committed to it by contract, and as agent for the performance of any lawful act; to issue debentures; to subscribe for, purchase, invest in, hold, own, assign, pledge and otherwise deal in and dispose of shares of capital stocks, bonds, mortgages, debentures, notes and other securities or obligations, contracts and evidences of indebtedness of foreign or domestic corporations not competing with each other in the same line of business; provided, that the power and authority herein conferred shall in no way affect any of the provisions of the anti-trust laws of this State, and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Holland:

H. B. No. 374, A bill to be entitled "An Act to authorize the creation of corporations in this State under the general corporation laws for the purpose of owning, raising, selling and leasing animals used in circuses, menageries and zoos, and to buy, lease, own, build, construct, repair and sell wagons, chariots, harnesses, cages and other equipment necessary to and used in the operation of raising and handling animals used in circuses, menageries and zoos, and to own and lease buildings and lands necessary for the raising of such animals and the manufacture of such equipment, and declaring an emergency therefor."

Referred to Committee on Municipal and Private Corporations.

By Mr. Shirley:

H. B. No. 375, A bill to be entitled "An Act to protect all minor children in the State of Texas."

Referred to Judiciary Committee.

By Mr. Hornaday, Mr. Montgomery, Mr. Duvall and Mr. Shirley:

H. B. No. 376, A bill to be entitled "An Act prescribing that physical education courses approved by the State Department of Education shall be taught in the public schools of Texas; providing for the certification of teachers of physical education, and authorizing the State Superintendent of Public Instruction to provide for the direction and

supervision of physical education instruction in the public schools."

Referred to Committee on Education.

By Mr. Wallace of Freestone:

H. B. No. 377, A bill to be entitled "An Act amending Article 668 of the Penal Code of this State of 1925, so as to provide that where intoxicating liquor is sold or furnished on prescription of a physician it shall be unlawful to transport after ten days from the time the said liquor was so sold or furnished the flask or container of such liquor, whether empty or not; prescribing a penalty for violation of said article, and declaring an emergency."

Referred to Committee on Liquor Traffic.

By Mr. Sanders:

H. B. No. 378, A bill to be entitled "An Act to amend Article 7066, Revised Civil Statutes of Texas, 1925, so as to fix the production tax on sulphur at four per cent, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Loy and Mr. Shirley:

H. B. No. 379, A bill to be entitled "An Act to authorize and empower the State Highway Department of the State of Texas to make an allotment of aid from any monies available in the State Highway fund and expend same in acquiring, constructing and maintaining any bridge spanning or to span any stream which forms the boundary between this and any other State; to build and construct a bridge across any such stream; provided that such bridge shall connect a designated highway of this State with a designated highway of such other State and such other State shall have enacted a statute containing provisions similar to this statute providing for the said State of join in the matter of acquiring, constructing and maintaining of such bridge; providing that in no event shall the State Highway Department of this State allot or expend more than one-half of the amount necessary to acquire, construct and maintain any such bridge; expressing the assent of this State to the provisions of an Act of the Sixty-fourth Congress of the United States, approved July 11, 1916, being 'An Act to provide that the United States shall aid the States in the construction of rural post roads, and for



other purposes'; memorializing all States adjoining this State to enact a statute of this nature and the Congress of the United States of America to pass an act whereby any bridge now spanning any boundary between States and connecting designated highways of such States may be condemned for public use and maintained for the public use without charge, and to provide the manner of such condemnation, and make appropriations to aid in the purchase, condemnation, construction and maintenance of such bridge for public use without charge to the public, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Masterson (by request):

H. B. No. 380, A bill to be entitled "An Act declaring the ginning of cotton a public business, impressed with a public trust, and subject to public regulation; conferring jurisdiction and authority upon the Railroad Commission of Texas thereover, etc."

Referred to Committee on Municipal and Private Corporations.

By Mr. Cox:

H. B. No. 381, A bill to be entitled "An Act to exempt officers and enlisted men of the Reserve Corps of the United States Army from any road or street tax and from road duty under the laws of this State, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Cox:

H. B. No. 382, A bill to be entitled "An Act amending Article 7150 of the Revised Civil Statutes of the State of Texas, 1925, by the addition of Subdivision 16, exempting the grounds, buildings, furniture and fixtures of American Legion Posts from taxation, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Brown:

H. B. No. 383, A bill to be entitled "An Act to amend Article 2767, Chapter 13, Title 49, of the Revised Civil Statutes of the State of Texas of 1925, so as to provide for abolishment of independent school districts, and by adding after said article a new article, to be known as Article 2767a, providing for

settlement of any indebtedness of such abolished independent school district, and by adding a new article, to be known as Article 2767b, providing for suit by any creditor against such abolished independent school district in the same manner as if such district had not been abolished; and by adding a new article to be known as Article 2767c, providing for the levy and collection of taxes for the purpose of payment of any indebtedness of such abolished independent school district by any other school district within which all or part of the territory formerly embraced within such abolished independent school district may be contained or included; and by adding a new article, to be known as Article 2767d, providing for vesting of title to property of such abolished independent school district in such other school district within which territory formerly embraced within such abolished independent school district may be included or contained; and by adding a new article, to be known as Article 2767e, providing for levy and collection of taxes on property formerly within such abolished independent school district by such other school district within the limits of which such property may be included or contained; and providing that if any provision or part of this be held invalid the remainder shall be unaffected, and declaring an emergency."

Referred to Committee on Education.

By Mr. Runge:

H. B. No. 384, A bill to be entitled "An Act to establish a State manufacturing plant or plants; providing for a board composed of the Governor of the State of Texas, the Attorney General of the State of Texas, chairman of the State Highway Commission, the chairman of the Board of Control and the Chief Engineer of the State Highway Commission; granting said board power to locate a site or sites and the purchase thereof and contract for the erection of such plant or plants; leaving it within the discretion of said board to enter into long time contracts in lieu of the erection of such plant or plants; providing for the creation of the State Manufacturing Commission to have control and management of said factory or factories after the same are put into operation by the locating board; providing for the disposition of said products by said commission for public use only;

making an appropriation, and declaring an emergency."

Referred to Committee on State Affairs.

#### SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 87, to the Committee on Agriculture.

Senate bill No. 18, to the Judiciary Committee.

Senate bill No. 60, to the Committee on Revenue and Taxation.

#### BILLS ORDERED NOT PRINTED.

On motion of Mr. Williamson, House bills Nos. 256 and 335 were ordered not printed.

On motion of Mr. Holland, House bill No. 268 was ordered not printed.

#### BILL RE-REFERRED.

On motion of Mr. Hall, House bill No. 346 was withdrawn from the Judiciary Committee and referred to the Committee on Claims and Accounts.

#### RELATING TO ANNIVERSARY OF HON. WOODROW WILSON.

Mr. Acker offered the following resolution:

Whereas, February 3, 1927, marks the third anniversary of the death of the great statesman and patriot, Woodrow Wilson, former President, and commander-in-chief of the military and naval forces of the United States of America during the Great World War, and champion and contender for an association of nations to prevent future wars; and

Whereas, The Houston Chronicle, of Houston, Texas, has secured, and tenders without charge to the House of Representatives of the State of Texas the "Woodrow Wilson Memorial Film," which portrays the life and work of the great statesman from the beginning of the World War to his sepulchre, featuring many notable and historical events, and being a history on canvas, all real and historical, and which film is stated to be the greatest historical picture in existence; therefore, be it

Resolved by the House of Representatives, That the evening of February 3, 1927, be dedicated to a memorial service to the memory of Woodrow Wilson, and

that the generous offer of the Houston Chronicle be accepted, and that its officers and managers be requested to portray in the Hall of the House of Representatives the historical picture referred to; be it further

Resolved, That the Speaker be authorized and instructed to appoint a committee of five members of the Legislature to arrange a program suitable to the occasion, and have full charge of arranging the Hall of the House of Representatives to the end that the members and the public in general may have full opportunity to join in the memorial, and enjoy the picture.

The resolution was read second time and was adopted.

#### RELATING TO PROPAGATION OF FISH.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 9, Relating to one or more passes to be constructed by the State of Texas, across Padre Island, to permit tidal circulation and the entrance of fish therein for the benefit of culture, growth and preservation of the fishing industry.

Whereas, The State of Texas, through its Game, Fish and Oyster Commissioner, has made a detailed survey of the waters lying between Padre Island and mainland, including Red Fish and Baffins Bay, and Laguna Madre, comprising an area of approximately 650 square miles, which have been found to be a veritable dead sea due to the fact that these waters are enclosed and cut off from the Gulf of Mexico and its Gulf streams to the extent that there is no tidal circulation; neither are there any passes of sufficient consequence entering the same from the Gulf which would permit fish to enter these waters except in case of storm tides. Scientific tests made by the Game, Fish and Oyster Commissioner within these waters indicate that the waters referred to are admirably adapted to the propagation and growth of our most valuable food fishes; and

Whereas, The fishing industries are being seriously impaired by the natural conditions found to exist in these waters, aided by jetties in other places which have heretofore been constructed along our Texas coast, and extending out a considerable distance into the Gulf, rendering it practically impossible for the small fish of varieties known to spawn in the Gulf near these passes to make

their migration into the back bays for food and protection; and

Whereas, Owing to the fact that there are no passes leading from the Gulf of Mexico into Laguna Madre between Corpus Christi Pass and Brazos Santiago Pass, a distance of about 130 miles, the shallowness of the waters of Laguna Madre, which have no tidal flow, become heated in the summer months to the extent that millions of edible fish are destroyed every year by the over-salinity of the waters. The destruction of the fish is not confined alone to the fish of marketable size, but the spawn and fry and fingerlings which, if protected, would in due time become of commercial importance; and

Whereas, The opening of one or more additional passes through Padre Island would not interfere directly or indirectly with commerce or with passes constructed by our Federal government along the Texas coast, or with any present or future requirements of the War Department; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Federal authorities are hereby requested and urged to acquiesce in the movement on the part of the State of Texas to construct and maintain one or more passes at its own cost and expense across Padre Island of sufficient capacity to permit tidal circulation and the entrance of fish therein, and restore the splendid opportunity for culture, growth and preservation of the fishing industry as found by the survey of the Game, Fish and Oyster Commissioner of Texas.

A copy of this resolution shall be sent to each Congressman and Representative from Texas, and they are urged to have Congress act immediately in compliance with this resolution, if congressional action be necessary, and if not, then that they see to it that proper authorities of the national government take such action.

The resolution was read second time.

On motion of Mr. Purl, the resolution was referred to the Committee on Game and Fisheries.

#### ADOPTING STATE BIRD.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 8, Adopting State bird.

Whereas, The State of Texas at present has no State bird; and

Whereas, The Texas Federation of Women's Clubs has adopted appropriate resolutions on this subject, as follows:

#### "Selection of a State Bird.

"Whereas, The Texas Federation of Women's Clubs is supporting a program for the protection of birds and sponsors any legitimate movement that has for its object an increased interest in their economic and esthetic value and a more intelligent and sympathetic understanding of our feathered friends; and

"Whereas, The Committee on birds and flowers, after investigation and deliberation, thinks the time is opportune for the selection of a State bird; and

"Whereas, Ornithologists, musicians, educators and Texans in all walks of life unite in proclaiming the mocking bird the most appropriate species for the State bird of Texas, as it is found in all parts of the State, in winter and in summer, in the city and in the country, on the prairie and in the woods and hills, and is a singer of distinctive type, a fighter for the protection of his home, falling, if need be, in its defense, like any true Texan; therefore, be it

"Resolved, That the Texas Federation of Women's Clubs in convention assembled, go on record as naming the mocking bird the State bird of Texas, and asking that confirmation of such action be had at the approaching Regular Session of the Fortieth Legislature."

Therefore, be it resolved by the Senate of the State of Texas, the House of Representatives concurring, That the recommendations of the Texas Federation of Women's Clubs be and are hereby adopted and that the mocking bird be and the same is hereby declared to be the State bird of Texas.

The resolution was read second time and was adopted.

#### HOUSE BILL NO. 11 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 11, A bill to be entitled "An Act to create Road District Number Four (4) of Shelby county, Texas; validating and approving all orders made by the commissioners court of said county in respect to the organization of said district; validating the authorization, issuance and sale of certain bonds thereof, dated August 11, 1919, and numbered 171 to 210, inclusive, and



also the bonds of said district, dated October 10, 1923, and numbered respectively from 1 to 50, inclusive, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes, on all taxable property in said road district; approving and validating all orders of the commissioners court of said county in respect of said designated road district bonds, but none others, and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 35 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 35, A bill to be entitled "An Act to amend Article 2494 of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 49 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 49, A bill to be entitled "An Act authorizing the Commissioner of Agriculture to establish, maintain and enforce quarantine regulations to protect the agricultural and horticultural interests of this State against infestation by insect pests and plant diseases; to prohibit or restrict the sale and transportation of such plants and plant products as are known to carry insect pests and plant diseases; to have full power to deal with dangerous fruit and crop pests and plant diseases in such manner as may be necessary to carry into effect provisions of this act; to have authority to declare 'pest-free' zones; providing for hearings to be held by the chief entomologist of the Department of Agriculture and others that may be designated."

The bill was read second time.

Mr. Bass offered the following amendment to the bill:

And further amend House bill No. 49 by adding to Section 6, after line 24, on page, 6, the following: "The sum of \$2000 is hereby appropriated out of the

general revenues of this State, not otherwise appropriated, for the immediate enforcement of this act. Said funds to be expended under the direction of the Commissioner of Agriculture."

The amendment was adopted.

Mr. High offered the following amendment to the bill:

Amend House bill No. 49 by striking out all of Section No. 5.

(Mr. Rawlins in the chair.)

Mr. Van Zandt moved to table the amendment.

Question recurring on the motion to table the amendment, it was lost.

Question next recurring on the amendment by Mr. High, it was adopted.

(Speaker in the chair.)

Question—Shall the bill be passed to engrossment?

#### RELATING TO HOUSE BILLS NOS. 231 AND 313.

On motion of Mr. Kemble, the Engrossing Clerk was authorized to make certain corrections in the original copy of House bill No. 231.

On motion of Mr. Satterwhite, the Engrossing Clerk was authorized to make certain corrections in the original copy of House bill No. 313.

#### RECESS.

Mr. Purl moved that the House recess to 2:30 o'clock p. m. today.

Mr. Williamson moved that the House recess to 2 o'clock p. m. today.

The motion of Mr. Purl prevailed, and the House accordingly, at 12 o'clock m., took recess to 2:30 o'clock p. m. today.

#### AFTERNOON SESSION.

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

#### MESSAGE FROM THE GOVERNOR.

Mr. Boyd Gatewood, Secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

To the Members of the Fortieth Legislature:

By previous message to the Legislature, I suggested that before attempting to provide for the support of the highway program you obtain complete in-



formation as to the present financial status of the department, and pointed out that the obligations first, for maintenance; second, for contracts let and in course of construction; and third, for allotments promised, will total an enormous sum. The suggestion was made in the belief that the information gathered would show the necessity for a stabilized income for the department, if the present obligations of the department are to be met, and a systematic plan for a correlated system of highways developed and carried out.

I further suggested that if you found, as I believed you would, from an investigation of the Highway Department that additional revenues are needed, that you look to the gasoline tax as a means of supplying this revenue. However, I hope as one result of the general rearrangement of our taxing system, suggested in my previous message, that some form of stabilized income will be made available to the Highway Department sufficient to meet the growing development of our highway system.

The heavy obligations imposed upon the Highway Department by the preceding administration and the necessity for funds to match Federal aid which is available to Texas, create the situation in which I solicit your co-operation. I am inclined to the belief that the normal revenues of the department would be sufficient for the present year, except for the need to meet these inherited obligations and match the available Federal aid.

I am further of the belief that in the growth and development of a highway program commensurate with the tremendous expansion of the State, the time will come when the Highway Department will be able to spend judiciously more revenue than that now received by that department under existing laws, but it is not my purpose to ask for greater revenue now for the department, except as the exigencies of the situation require. The department must meet its obligations and it must match the available Federal aid money, if the best interests of the State are to be served.

It seems to me that in determining the needs of the department the items to be taken into consideration are, first, the obligations of the department, present and prospective; second, the revenues of the department, present and prospective.

Under the present and prospective obligations of the department are to be found, first, the cost of maintenance of the designated highways; second, the

cost of the completion of contracts now in course of performance; third, the lawful allotment of funds heretofore made; and fourth, operating expense or overhead. To learn what is actually needed by the highway fund the available Federal aid money which is to be matched by funds of the State and counties should be added to the obligations of the department.

Coming under the present and prospective revenues of the department is the cash on hand, the money received from the license fees and the money collected from the gasoline tax. I believe that your investigation will disclose that the present and prospective resources will be insufficient to meet all of the obligations and match the available Federal aid money.

A further matter which arises to complicate the situation confronting you is the request of the counties for additional money for the building and maintaining of these roads under county control. There is undeniable justice in their claim for a better support of their county roads; yet how this is to be accomplished without impairing the State Highway Department is a problem of considerable moment. I am firmly of the opinion that in the readjustment of our taxing problems, which I have heretofore suggested to you, a way can be found to amply finance the State Highway Department and give the counties the necessary means to support their local road programs. I believe that your policy should contemplate meeting the existing emergency and embrace the view that something will be accomplished in the way of a permanent solution of the question through the general readjustment of our system of taxation.

I am conscious of the fact that there are opponents to an increase in the tax now levied upon the sale of gasoline, but to meet the situation, I believe that irrespective of our personal views upon this question that opposing minds can find agreement on a program to meet the urgent needs of the Highway Department.

With this thought in mind I respectfully make the following suggestions for your consideration:

Increase the tax now levied on gasoline to the basis of two cents on the gallon. The measure should carry the emergency clause. This should supply approximately four million dollars additional revenue to the highway fund. The bill should provide by its own terms that it be operative for a period of two years, unless sooner repealed.

Further, provide that after the first of June of this year a portion of the tax now collected on the registration of motor vehicles be retained by the counties for use upon the county roads. The ratio of division between the State and counties should be fixed at a figure that does not defeat the purpose sought to be accomplished; that is, provide sufficient revenues for the Highway Department, and at the same time supply additional revenues to aid the counties in the construction of county roads.

The purpose in suggesting that the gasoline tax become effective immediately and that the division of license fees be deferred to a future date is that such an arrangement will supply the revenue now needed by the Highway Department and at the same time will give aid to the development of the county roads without a drain on the present highway fund. In suggesting that this legislation be effective for a limited period of time I have in mind that this Legislature will surely revise our system of taxation which will dispose of the problem.

Respectfully submitted,

DAN MOODY,  
Governor of Texas.

#### PROVIDING FOR COMMITTEE TO INVESTIGATE FUNDS OF THE HIGHWAY COMMISSION.

Mr. Stevenson, by unanimous consent, offered the following resolution:

H. C. R. No. 16, Providing for a joint committee from the House and Senate to inquire into the resources and liabilities of the State Highway Department, its financial condition, contractual obligations and commitments for the construction and maintenance of highways, and to determine from the records of the Highway Commission the policies of the commission in the expenditure of State funds.

Whereas, The resources and liabilities of the State Highway Department, the sums available to the advancement of the work of the department, and the amount and nature of the contractual obligations and other commitments and nature of the department, as imposed by the provisions of the law, and as assumed through the administrative policy of the department, constitutes at this time a subject of great importance to the Legislature; and

Whereas, It has been widely reported and alleged that commitments have been entered into by the State Highway Department of a character and in a total amount and extending so far into

the future that the action taken is subversive of the public interest and opposed to a judicious administrative policy of the department; and

Whereas, The official minutes of the Highway Department disclose the following entries made on the 10th day of January, 1927:

January 10, 1927—\$145,000 additional to Montague and Wise counties jointly, supplementary to \$75,000 already allotted for construction of bituminous surfacing on Highways Nos. 2 and 50, jobs 169a and 249a.

January 10, 1927—Not to exceed \$103,000 to Highways Nos. 2 and 50, jobs 159a and 249a, Montague and Wise counties, to bring up base to a thickness of not less than 8 inches compacted depth. Work to be done by State forces; and

Whereas, It is understood that these contracts for the improvement of roads in Montague and Wise counties were not let in accordance with the customary policy of the Highway Department, inasmuch as no engineering plans were made for the work as a basis for such contracts and appropriation of State funds, and the records show that no such engineering plans were approved in connection with the letting of such contracts and the order making such appropriation, the absence of such necessary prerequisite information as the basis for obligating the expenditure of State funds would indicate that such contracts and appropriation could not have been made with that degree of judicious regard to the expenditure of State funds implied if not adequately expressed in the statute, as no cost estimate appear to have been called for, considered in connection therewith or approved in any form; and

Whereas, It is universally understood that Federal aid funds are, and have been for some time, available to the State for road construction, and were so available at the time such contracts and appropriation were made on the 10th day of January, 1927; and

Whereas, The roads in Montague and Wise counties constitute parts of the State Highway system upon which Federal aid is available, and such aid, it is understood, would have been extended to the State for construction of such road projects to match the State funds, upon the making of an approval of necessary engineering plans and specifications, and properly advertised bids; and

Whereas, In view of the known limited funds available for road construc-

tion purposes, and the purpose of the law for conserving such funds by uniting them with Federal aid where possible, the failure of the State Highway Commission to invite Federal aid when expressly available, as in this instance, its action in providing for the expenditure of State funds alone to the exclusion of Federal aid money left unused for lack of State money to match, constitutes a gross disregard for the economical employment of State road funds committed by law to the care of the commission; and

Whereas, It is generally understood that other sections of the State system of highways were more in need of the expenditure of the sums covered by these contracts, as determined by volume of traffic and conditions of the highways, and upon which parts of the system of highways both Federal aid and county or district funds were available, and where the money expended in the two road projects named might, if it had been expended in conjunction with other available funds waiting and unused, have provided for the investment of three times as much in constructive road building; and

Whereas, It appears that the execution of the two contracts, and particularly those for \$145,000, without the necessary data furnished by engineering plans, and the appropriation from the State Highway funds in the sum of \$103,000 to be expended under State forces in bringing up the base of the road, all from State funds alone, rejecting the opportunity to utilize available Federal funds, and rejecting other opportunities to match county and district funds likewise available and to which explicit promise had been made prior to the letting of such contracts and the making of such appropriation, all limiting the State's opportunity to advance road improvement in the most advantageous manner expresses a wasteful disregard for the application of State funds in accordance with the policy calculated to inure to the greatest welfare of the State, exhibits an indifference to the letter and the spirit of the law and of the public interest, and the Legislature should take such action as may be deemed necessary to ascertain the facts in relation thereto; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That a committee of seven (7) members, four (4) from the House to be appointed by the Speaker of the House, and three (3) from the Senate to be appointed by the

President of the Senate, be appointed to make the fullest inquiry deemed necessary by the committee to determine the present resources and liabilities of the State Highway Department, and shall disclose the present financial condition of the Department, its contractual obligations and its commitments for road maintenance and road construction, in connection either with the Federal government or with the counties and districts, or its obligations for expenditures exclusively from State funds, to the end that the Legislature may be more fully advised of the operations of the department as a basis for legislation.

That the committee inquire into and report the facts, as disclosed in the official recorded actions of the State Highway Commission respecting the letting of the contracts to Montague and Wise counties, and the making of the appropriations from the State funds in connection therewith; and the development of such other information respecting the administrative policy of the department as may be deemed advisable as a basis for legislative action.

That the Comptroller of the State is requested to place at the disposal of the committee the assistance of a competent accountant to aid in the inquiry respecting the financial condition of the State Highway Department, its resources and liabilities, contractual obligations and departmental commitments.

Signed—Tillotson, Williamson, Stevenson, Young.

The resolution was read second time.

On motion of Mr. Purl, the resolution was referred to the Committee on Highways and Motor Traffic.

#### HOUSE BILL NO. 274 ON SECOND READING.

On motion of Mr. Rawlins, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 274, A bill to be entitled "An Act to create 'The County Criminal Court' for Dallas county, Texas; to define the jurisdiction thereof, and to conform to such change the jurisdiction of the county court of Dallas county; fixing the salary of the judge of said court; providing for the appointment and election of the said judges of said court hereby created; providing for the appointment of special judge and filling of vacancies in said office; providing for



an official shorthand reporter for said court; providing a saving clause, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time and was passed to engrossment.

### HOUSE BILL NO. 274 ON THIRD READING.

Mr. Rawlins moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 274 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—97.

Mr. Speaker.	Masterson.
Acker.	McGill.
Anderson.	Merritt.
Avis.	Minor.
Barron.	Montgomery.
Bass.	Moore.
Bateman.	Morse.
Bird.	Moursund.
Black.	Nabors.
Boggs.	Parrish of Travis.
Bonham.	Pavlica.
Boon.	Pearce.
Brown.	Poage.
Conway.	Pool.
Cornwell.	Pope.
Cox.	Porter.
Daniel.	Powell.
Davis.	Purl.
DeBerry.	Ramsey.
Dielmann.	Rawlins.
Durham.	Rogers of Hays.
Duvall.	Rogers of Shelby.
Enderby.	Rowell.
Eickenroht.	Sanders.
Fly.	Satterwhite.
Forbes.	Sheats.
Fuchs.	Shirley.
Gates.	Simmons.
Gilbert.	Sinks.
Graves.	Smith of Nueces.
Gray.	Smith of Smith.
Hall.	Smyth.
Harding.	Stevenson.
Harman.	Storey.
Hefley.	Stout.
High.	Sutton.
Holland.	Swain.
Hornaday.	Taylor.
Jacks.	Teer.
Jones.	Van Zandt.
Kayton.	Waddell.
Kemble.	Wallace of Panola.
King of Hopkins.	Wallace of Smith.
King of	Ware.
Throckmorton.	Webb.
Land.	Wells.
Lipscomb.	Williams
Loy.	of Travis.

Williamson.  
Woodruff.

Young.

Nays—11.

Albritton.  
Faulk.  
Gibson.  
Kennedy.  
Kirkland.  
Olsen.

Snelgrove.  
Veatch.  
Walker.  
Whitaker.  
Woodall.

Absent.

Alexander.  
Barnett.  
Beck.  
Dale.  
Denman.  
Dunlap.  
Farrar.  
Hagaman.  
Holder.  
Johnson.  
Justice.  
Kincaid.  
Loftin.

Long.  
Petsch.  
Reagan.  
Renfro  
of Angelina.  
Runge.  
Shearer.  
Smith of El Paso.  
Wallace  
of Freestone.  
Wassell.  
Williams  
of Sabine.

Absent—Excused.

Branch.  
Cummings.  
Finlay.  
Foster.  
Kenyon.  
Kinnear.  
Kirby.  
McCombs.  
McKean.  
Murphy.

Nicholson.  
Parish of Runnels.  
Renfro of Mills.  
Shaver.  
Smith  
of Atascosa.  
Stell.  
Tillotson.  
Turner.

The Speaker then laid House bill No. 274 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—108.

Acker.  
Albritton.  
Anderson.  
Avis.  
Barron.  
Bass.  
Bateman.  
Bird.  
Black.  
Boggs.  
Bonham.  
Boon.  
Brown.  
Conway.  
Cornwell.  
Cox.  
Daniel.  
Davis.  
DeBerry.  
Dielmann.  
Dunlap.

Durham.  
Duvall.  
Enderby.  
Eickenroht.  
Faulk.  
Fly.  
Forbes.  
Gates.  
Gibson.  
Gilbert.  
Graves.  
Gray.  
Hall.  
Harding.  
Harman.  
Hefley.  
High.  
Holland.  
Hornaday.  
Jacks.  
Jones.



Justice.	Sanders.
Kayton.	Satterwhite.
Kemble.	Shearer.
King of Hopkins.	Sheats.
King of	Shirley.
Throckmorton.	Simmons.
Kirkland.	Sinks.
Land.	Smith of Nueces.
Lipscomb.	Smyth.
Loy.	Snelgrove.
Masterson.	Stevenson.
McGill.	Storey.
Merritt.	Stout.
Minor.	Sutton.
Montgomery.	Swain.
Moore.	Taylor.
Morse.	Teer.
Moursund.	Van Zandt.
Nabors.	Veatch.
Parrish of Travis.	Waddell.
Pavlica.	Walker.
Pearce.	Wallace of Panola.
Poage.	Wallace of Smith.
Pool.	Ware.
Pope.	Webb.
Porter.	Wells.
Powell.	Williams
Purl.	of Sabine.
Ramsey.	Williams
Rawlins.	of Travis.
Renfro	Williamson.
of Angelina.	Woodall.
Rogers of Hays.	Woodruff.
Rogers of Shelby.	Young.
Rowell.	

Nays—3.

Kennedy.	Whitaker.
Olsen.	

Present—Not Voting.

Kincaid.

Absent.

Alexander.	Loftin.
Barnett.	Long.
Beck.	Petsch.
Dale.	Reagan.
Denman.	Runge.
Farrar.	Smith of El Paso.
Fuchs.	Smith of Smith.
Hagaman.	Wallace
Holder.	of Freestone.
Johnison.	Wassell.

Absent—Excused.

Branch.	Nicholson.
Cummings.	Parish of Runnels.
Finlay.	Renfro of Mills.
Foster.	Shaver.
Kenyon.	Smith
Kinnear.	of Atascosa.
Kirby.	Stell.
McCombs.	Tillotson.
McKean.	Turner.
Murphy.	

# COMMITTEE TO ARRANGE FOR WOODROW WILSON MEMORIAL SERVICE.

The Speaker appointed the following committee to arrange for the "Woodrow Wilson Memorial Service":

Messrs. Acker, chairman; King of Throckmorton, Powell, Simmons and Duvall.

## HOUSE BILL NO. 49 ON ENGROSS- MENT.

The House resumed consideration of pending business, same being House bill No. 49, relating to quarantine regulations of agricultural products, on its passage to engrossment.

Mr. Williams of Travis offered the following amendment to the bill:

Amend House bill No. 49 by inserting in line 28, page 2, Section 7, following the word "law," the following: "And no person's property shall be taken, damaged or destroyed for or applied to public use without adequate compensation being made unless by consent of such person; and, when taken, except for the use of the State, such compensation shall be first made or secured by a deposit of money and no citizen of this State shall be deprived of property, privileges or immunities except by the due course of the law of the land and the right of trial by jury shall remain inviolate."

Mr. Harman moved that the House adjourn until 11 o'clock a. m. next Monday.

Mr. Purl moved that the House adjourn until 2 o'clock p. m. next Monday. Question first recurring on the motion of Mr. Harman, it was lost.

Question next recurring on the motion of Mr. Purl, that the House adjourn until 2 o'clock p. m. next Monday, it was lost.

On motion of Mr. Bass, the amendment by Mr. Williams of Travis was tabled.

Mr. Gibson offered the following amendment to the bill:

Amend House bill No. 49 by striking out the following words, beginning in line 3, page 6, and ending in line 8, page 6: "or who shall offer themselves as experts to do for hire tree pruning, spraying, dusting, fertilizing, budding, grove supervision, tree surgery, or to treat diseased trees, orchards or plants without first satisfying the commissioner that he or they are qualified to perform such duties and have been granted a certificate so stating."

Mr. Williams of Travis moved to table the amendment and the motion to table was lost.

Question recurring on the amendment, it was adopted.

Mr. Smith offered the following amendment to the bill:

Amend House bill No. 49 by striking out the following words, beginning in line 3, page 1, and ending in line 35, page 1, in the caption:

"Providing for the examination and licensing of persons offering themselves as experts for hire to do tree pruning, spraying, fertilizing, budding, grove supervision, tree surgery or treatment of diseased trees or orchards."

The amendment was adopted.

Mr. Bass offered the following amendment to the bill:

Amend House bill No. 49, in the caption thereof, by inserting after the word "act" in line 3, page 1, the following: "and making an appropriation therefor."

The amendment was adopted.

Mr. Montgomery offered the following amendment to the bill:

Amend House bill No. 49, page 6, line 3, by striking out the semicolon after the word "commissioner" and inserting in lieu thereof a comma.

Amend House bill No. 49, page 6, line 10 by striking out the word "sun" and inserting in lieu thereof the word "sum."

The amendments were severally adopted.

Question recurring on the engrossment of the bill yeas and nays were demanded.

House bill No. 49 then failed to pass to engrossment by the following vote:

Yeas—51.

Anderson.	Jacks.
Bass.	Kayton.
Black.	King of Hopkins.
Boggs.	Montgomery.
Bonham.	Moore.
Boon.	Morse.
Brown.	Nabors.
Conway.	Olsen.
Cornwell.	Parrish of Travis.
Davis.	Petsch.
DeBerry.	Pool.
Dunlap.	Pope.
Durham.	Porter.
Enderby.	Ramsey.
Fly.	Rogers of Hays.
Forbes.	Rogers of Shelby.
Fuchs.	Rowell.
Graves.	Satterwhite.
Hall.	Shearer.
Holland.	Shirley.
Hornaday.	Smith of Smith.

Stevenson.  
Teer.  
Van Zandt.  
Veatch.  
Ware.

Webb.  
Wells.  
Williams  
of Sabine.  
Williamson.

Nays—52.

Albritton.	Moursund.
Bateman.	Pavlica.
Bird.	Pearce.
Duvall.	Poage.
Eickenroht.	Powell.
Faulk.	Purl.
Gates.	Sanders.
Gibson.	Sheats.
Gilbert.	Sinks.
Gray.	Smith of El Paso.
Harding.	Smith of Nueces.
High.	Snelgrove.
Jones.	Storey.
Justice.	Stout.
Kemble.	Sutton.
Kennedy.	Swain.
Kincaid.	Taylor.
King of	Waddell.
Throckmorton.	Walker.
Kirkland.	Wallace of Panola.
Land.	Wassell.
Loftin.	Whitaker.
Loy.	Williams
Masterson.	of Travis.
McGill.	Woodall.
Merritt.	Woodruff.
Minor.	Young.

Present—Not Voting.

Avis.	Wallace of Smith.
Daniel.	

Absent.

Acker.	Holder.
Alexander.	Johnson.
Barnett.	Lipscomb.
Barron.	Long.
Beck.	Reagan.
Cox.	Renfro
Dale.	of Angelina.
Denman.	Runge.
Dielmann.	Simmons.
Hagaman.	Smyth.
Harman.	Wallace
Hefley.	of Freestone.

Absent—Excused.

Branch.	Nicholson.
Cummings.	Parish of Runnels.
Finlay.	Renfro of Mills.
Foster.	Shaver.
Kenyon.	Smith
Kinnear.	of Atascosa.
Kirby.	Stell.
McCombs.	Tillotson.
McKean.	Turner.
Murphy.	

## Paired.

Mr. Rawlins (present), who would vote "yea," with Mr. Farrar (absent), who would vote "nay."

Mr. Stout moved to reconsider the vote by which the bill failed to pass to engrossment, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

## Yeas—50.

Albritton.	Pavlica.
Bateman.	Poage.
Bird.	Powell.
Cornwell.	Purl.
Daniel.	Sanders.
Enderby.	Sheats.
Eickenroht.	Shirley.
Faulk.	Simmons.
Gray.	Sinks.
Harding.	Smith of Nueces.
Jones.	Snelgrove.
Justice.	Storey.
Kayton.	Stout.
Kemble.	Swain.
Kincaid.	Taylor.
King of Hopkins.	Waddell.
King of Throckmorton.	Walker.
Kirkland.	Wallace of Panola.
Loftin.	Wallace of Smith.
Loy.	Ware.
Masterson.	Wassell.
Merritt.	Williams of Travis.
Minor.	Woodall.
Moursund.	Woodruff.
Olsen.	Young.

## Nays—56.

Acker.	Jacks.
Anderson.	Kennedy.
Bass.	Land.
Black.	Long.
Boggs.	McGill.
Boon.	Montgomery.
Brown.	Moore.
Conway.	Morse.
DeBerry.	Nabors.
Dielmann.	Parrish of Travis.
Durham.	Pearce.
Duvall.	Petsch.
Fly.	Pool.
Forbes.	Pope.
Fuchs.	Porter.
Gates.	Ramsey.
Gibson.	Rogers of Hays.
Gilbert.	Rogers of Shelby.
Graves.	Rowell.
Hall.	Satterwhite.
High.	Shearer.
Holland.	Smith of El Paso.
Hornaday.	Smith of Smith.

Stevenson.  
Sutton.  
Teer.  
Van Zandt.  
Veatch.  
Webb.

Wells.  
Whitaker.  
Williams  
of Sabine.  
Williamson.

Present—Not Voting.

Avis.

Absent.

Alexander.	Hefley.
Barnett.	Holder.
Barron.	Johnson.
Beck.	Lipscomb.
Cox.	Rawlins.
Dale.	Reagan.
Davis.	Renfro.
Denman.	of Angelina.
Dunlap.	Runge.
Farrar.	Smyth.
Hagaman.	Wallace
Harman.	of Freestone.

Absent—Excused.

Bonham.	Murphy.
Branch.	Nicholson.
Cummings.	Parish of Runnels.
Finlay.	Renfro of Mills.
Foster.	Shaver.
Kenyon.	Smith
Kinnear.	of Atascosa.
Kirby.	Stell.
McCombs.	Tillotson.
McKean.	Turner.

Mr. Purl moved that the House adjourn until 10 o'clock a. m. next Monday, and the motion to adjourn was lost.

Question then recurring on the motion to reconsider the vote by which House bill No. 49 failed to pass to engrossment, it was lost by the following vote:

## Yeas—50.

Acker.	Montgomery.
Anderson.	Moore.
Avis.	Morse.
Bass.	Nabors.
Boon.	Olsen.
Brown.	Parrish of Travis.
Conway.	Petsch.
Cornwell.	Pope.
Daniel.	Porter.
DeBerry.	Ramsey.
Dielmann.	Rogers of Hays.
Durham.	Rogers of Shelby.
Fly.	Rowell.
Forbes.	Sanders.
Graves.	Satterwhite.
Hall.	Shearer.
Holland.	Shirley.
Hornaday.	Simmons.
Lipscomb.	Smith of Smith.
Minor.	Stevenson.

Teer.	Webb.
Van Zandt.	Wells.
Veatch.	Williams
Walker.	of Sabine.
Wallace of Smith.	Williamson.
Ware.	

Nays—53.

Albritton.	McGill.
Bateman.	Merritt.
Bird.	Moursund.
Dale.	Pavlica.
Enderby.	Pearce.
Eickenroht.	Poage.
Faulk.	Pool.
Fuchs.	Powell.
Gibson.	Purl.
Gray.	Sheats.
Harding.	Sinks.
Harman.	Smith of El Paso.
High.	Smith of Nueces.
Jones.	Snelgrove.
Justice.	Storey.
Kayton.	Stout.
Kemble.	Sutton.
Kennedy.	Swain.
Kincaid.	Taylor.
King of Hopkins.	Waddell.
King of	Wallace of Panola.
Throckmorton.	Wassell.
Kirkland.	Williams
Land.	of Travis.
Loftin.	Woodall.
Long.	Woodruff.
Loy.	Young.
Masterson.	

Present—Not Voting.

Black.	Whitaker.
Gilbert.	

Absent.

Alexander.	Hefley.
Barnett.	Holder.
Barron.	Jacks.
Beck.	Johnson.
Boggs.	Rawlins.
Cox.	Reagan.
Davis.	Renfro
Denman.	of Angelina.
Dunlap.	Runge.
Duvall.	Smyth.
Farrar.	Wallace
Gates.	of Freestone.
Hagaman.	

Absent—Excused.

Bonham.	Murphy.
Branch.	Nicholson.
Cummings.	Parish of Runnels.
Finlay.	Renfro of Mills.
Foster.	Shaver.
Kenyon.	Smith
Kinnear.	of Atascosa.
Kirby.	Stell.
McCombs.	Tillotson.
McKean.	Turner.

## HOUSE BILL NO. 56 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 56, A bill to be entitled "An Act to amend Article 3392 of the Revised Civil Statutes of Texas, 1925, relating to county clerks and their compensation for ex-officio and other public services rendered, so as to provide that the total amount paid the county clerk in one year shall not be less than fifty nor more than fifteen hundred dollars, and declaring an emergency."

The bill was read second time.

Mr. McGill offered the following amendment to the bill:

Amend House bill No. 56 by inserting "Article 3932" in lieu of "Article 3392" wherever "Article 3392" appears.

The amendment was adopted.

House bill No. 56 then failed to pass to engrossment.

## BILLS WITHDRAWN.

On motion of Mr. Jacks, by unanimous consent, House bill No. 26 was withdrawn from further consideration by the House.

On motion of Mr. Masterson, by unanimous consent, House bill No. 200 was withdrawn from further consideration by the House.

## EXTENDING PRIVILEGE OF THE FLOOR.

Mr. Fly offered the following resolution:

Whereas, Upon the death of Governor James Stephen Hogg, Hon. V. O. Weed planted a pecan tree at the head of his grave; and

Whereas, Mr. Weed is now within the bar of the House, and wishes to present each member with one of the pecans from this tree so that the members may plant them; now, therefore, be it

Resolved by the House of Representatives, That Mr. Weed be given the privilege of distributing these pecans to the members of the House.

Signed—Fly, Sinks, Acker, Stevenson. The resolution was read second time and was adopted.

The Speaker appointed the Chief Clerk to escort Mr. Weed to the Speaker's stand.

The Chief Clerk having performed the duty, Hon. V. O. Weed then presented a pecan to each member of the House.



## ADJOURNMENT.

On motion of Mr. Satterwhite, the House, at 4:40 o'clock p. m., adjourned until 2 o'clock p. m. next Monday.

## APPENDIX.

## STANDING COMMITTEE REPORTS.

The following standing committees have today filed favorable reports on bills, as follows:

Highways and Motor Traffic: House bills Nos. 256, 335.

Revenue and Taxation: House bills Nos. 51, 109, 101, 72.

Judiciary: House bill No. 118.

Public Health: House bills Nos. 7, 107.

Game and Fisheries: House bill No. 320.

The following standing committees have today filed adverse reports on bills, as follows:

Commerce and Manufactures: House bills Nos. 148, 149.

Judiciary: House bill No. 10.

## REPORTS OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, January 27, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 3, A bill to be entitled "An Act to agree to the provisions of Section VII of an Act of Congress of the United States and approved June 18, 1926, entitled 'An Act to provide for the storage of the waters of the Pecos River,' and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

TAYLOR, Chairman.

Committee Room,

Austin, Texas, January 27, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 75, A bill to be entitled "An Act to further regulate the contest of certificates of nomination in primary elections, by amending Article

3152 of the Revised Civil Statutes of 1925,"

Have carefully compared same and find it correctly engrossed.

TAYLOR, Chairman.

Committee Room,

Austin, Texas, January 27, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 127, A bill to be entitled "An Act to prevent deception in the sale of paints, oils, naval stores, turpentine, and providing for true labels for the same when offered for sale; providing for the enforcement of this act by the Food and Drug Division of the State Board of Health; providing for the appointment of a chemist and an inspector by the Director of the Food and Drug Division of the State Board of Health for the enforcement of this act; providing for penalties for the violation of this act; making appropriation for the payment of a chemist and an inspector to be appointed by the Director of the Food and Drug Division of the State Board of Health for the purposes of the enforcement of this act; and making an appropriation for traveling and clerical expenses incurred by the Director of the Food and Drug Division of the State Board of Health and his inspector and chemist in the enforcement of this act, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

TAYLOR, Chairman.

Committee Room,

Austin, Texas, January 27, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 128, A bill to be entitled "An Act to provide for the examination, testing and reading of electric light, power, natural and artificial gas meters used by private concerns to determine the amount of power or gas used by their consumers, on complaint made by any of said consumers, in incorporated cities, towns or villages having a population of forty thousand (40,000) or less, within this State; said examination, testing and reading to be made by the agents of the city council or city

commissioners in said cities, towns or villages on complaint being made as aforesaid to them by said consumers; and further providing for the making of reports to such complaining consumers as to results of said tests, reading and examination; providing a penalty for refusal to comply with any of the provisions of this act, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

TAYLOR, Chairman.

Committee Room,

Austin, Texas, January 27, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 140, A bill to be entitled

"An Act to permit applicants for writs of habeas corpus in all criminal cases where the maximum penalty for such offense does not exceed the punishment of confinement in the State penitentiary for more than ten years, when the relief prayed for by such applicant is denied by the judge or the court that applicant's petition is filed in a court of competent jurisdiction, and appeal is taken from such judgment or order of the trial court to the Court of Criminal Appeals of the State of Texas, such applicant may execute a good and sufficient bond, to be approved by the court or judge as now provided under provisions of Title 10 of the Code of Criminal Procedure of the State of Texas, 1925, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

TAYLOR, Chairman.

In Memory  
of  
Hon. J. J. Bennett

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Mr. Graves offered the following resolution:

Whereas, On Saturday, January 8, 1927, at San Antonio, Texas, the Hon. J. J. Bennett of Stephenville, Texas, a former member of this body was called by death. Remains were brought to Stephenville and funeral services were conducted on the following Monday at the Graham Church of Christ by his pastor, Rev. Ben West. Interment followed at the West End Cemetery, the last rites being in charge of the Masonic Lodge.

Mr. Bennett was born in Mississippi seventy-three years ago. He came to Erath county in the early seventies and settled near Duffau, where he taught school and farmed. From the Duffau precinct was elected County Commissioner. After serving several years as Commissioner, he was elected District Clerk at which time he moved to Stephenville and served two terms in the District Clerk's office. He later served in the Texas Legislature for eight years and resigned on account of pressing duties at home. He then served four years as mayor of Stephenville and during his tenure of office Stephenville was declared to be the cleanest city in Texas, this honor being won in a Statewide contest. Six years ago, Mr. Bennett was appointed a member of the Board of Regents of the State Teachers' Colleges.

Mr. Bennett was a successful business man and a good substantial citizen. He was loyal to education, loyal to his home and church, and was loved by every one who knew him. His place in the life of Stephenville, Erath county and the State of Texas will be hard to fill. As a testimonial of his prominence and popularity, one of the largest gatherings ever attending a funeral at Stephenville gathered on this Monday morning in that city from all walks of life to do homage to their friend, the Hon. J. J. Bennett; therefore, be it

Resolved by the House of Representatives, That we extend our heartfelt sympathy to the widow, to other relatives and to his numerous friends; that a page of the House Journal be set aside today in memory of Mr. Bennett and his honest and faithful service, and when the House adjourns today, it be in respect to him; and, be it further

Resolved, That a copy of this resolution be mailed to Mrs. Bennett and other immediate members of Mr. Bennett's family.

The resolution was read second time.

On motion of Mr. Graves the resolution was adopted by a rising vote.

**In Memory**  
**of**  
**Hon. J. T. Wilhite**

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Mr. Teer offered the following resolution:

H. C. R. No. 15:

Whereas, Dr. J. T. Wilhite, Director of the State Pasteur Institute, was called to his reward yesterday by the awful disease of pneumonia; and

Whereas, Dr. Wilhite was the first and only Director of this Institution, the same having been established in 1905, wherein he rendered such a wonderful service to the cause of humanity, treating thousands of patients and preventing their having rabies; and

Whereas, Dr. Wilhite, by his unselfish and efficient service, was a great benefactor to mankind, and to his State; and

Whereas, Dr. Wilhite rendered this great service for such a meager remuneration; and

Whereas, His modesty and desire for service would not allow him to commercialize his wonderful achievements to which he dedicated his life, and to the cause of his State; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That we extend to his friends and family our deep sympathy for the loss; and be it further

Resolved, That when we adjourn today, that we do so in the honor and memory of this patriotic servant of the State, and friend of the people.

The resolution was read second time and was adopted by a rising vote.